IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928

Bail Appl..No. 1401 of 2007()

CRIME NO.105/2007 OF THALASSERY POLICE STATION

PETITIONER/ACCUSED NO.5

KURIAN K.J., S/O. JOSEPH, AGED 46 YEARS,
ADVOCATE, THALASSERY.

BY ADV. SRI.GRASHIOUS KURIAKOSE

RESPONDENT: COMPLAINANT

STATE - S.H.O., THALASSERY,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR, P.P.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1401 OF 2007 A

Dated this the 14th day of March, 2007

O R D E R

In this Petition filed under Sec. 438 Cr.P.C. the petitioner, who is the accused in Crime No.105/07 of Thalassery Police Station for offences punishable under Secs.176, 177, 182, 196, 420 and 468 read with section 35 I.P.C., seeks anticipatory bail.

2. I heard the learned counsel for the petitioner and the learned Public Prosecutor. The learned Public Prosecutor opposed the application.

3. The petitioner is an Advocate practicing in the Thalassery Bar. The case of the prosecution is that suppressing the information regarding the death of one of the petitioners in a compensation case the petitioner had withdrawn the compensation amount due to the deceased person as well.

4. Having regard to the fact that the legal heirs of the deceased had no complaint against the petitioner and the amount withdrawn of the petitioner is alleged to have been made over to the claimants in the O.P., I am inclined to grant anticipatory bail to the petitioner. Accordingly, a direction is issued to the officer-in-charge of the police station concerned to release the petitioner on bail for a period

of one month in the event of his arrest in connection with the above case on his executing a bond for Rs.10,000/- (Rupees ten thousand only) with two solvent sureties each for the like amount to the satisfaction to the said officer and subject to the following conditions:

a. Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Sundays.

b. The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

c. The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

d. Petitioner shall not commit any offence while on bail.

e. Petitioner shall surrender before the Magistrate concerned and seek regular bail in the meanwhile.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

(V. RAMKUMAR, JUDGE)

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